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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEANNETTE HAUSLER, Petitioner, - against - JP MORGAN CHASE BANK, N.A., CITIBANK, N.A., UBS AG, THE ROYAL BANK OF SCOTLAND, N.V. AND BANK OF AMERICA, N.A., Defendants.	09 Civ. 10289 (VM) **ORDER**

VICTOR MARRERO, United States District Judge.

Petitioner Jeannette Hausler ("Hausler") brings this action as the successor and personal representative of the Estate of Robert Otis Fuller ("Fuller") pursuant to § 201(a) of the Terrorism Risk Insurance Act of 2002, 28 U.S.C. § 1610 note ("TRIA"), to execute a default judgment obtained by Hausler in Florida state court (the "Florida Judgment") against the Republic of Cuba, Fidel and Raul Castro, and the Cuban Revolutionary Armed Services (collectively, "Defendants") in an action alleging the torture and extrajudicial killing of Fuller.

In connection with her efforts to enforce the Florida Judgment, Hausler commenced a proceeding in this Court seeking to compel garnishee-respondent JPMorgan Chase Bank, N.A. ("JPM") to turn over to the United States Marshal (the

"Marshal") for transfer to Hausler certain funds held in specified JPM accounts (the "Sinking Fund") established to pay principal and interest on the Republic of Cuba's 4-1/2% Bonds of the External Debt of the Republic of Cuba, 1937-77 (the "4-1/2% External Debt Bonds").

By Order dated November 5, 2010 (the "November Order"), the Court ordered turnover of most, but not all, of the balance of the Sinking Fund, and ordered that approximately $609,000 be reserved from the balance of the Sinking Fund until any persons claiming to own the sum of the 4-1/2% External Debt Bonds were afforded sufficient time and opportunity to provide written notice of their claims to amounts in the Sinking Fund and to appear in this Court by filing an answer to the interpleader filed by JPM and served on them.

When no claimants had responded by November 30, 2010, the deadline set by the November Order, the Court, by Order dated December 15, 2010 (the "December Order"), ordered turnover of the reserve balance of the Sinking Fund. However, on January 4, 2011, Fernando S. Aran ("Aran"), individually and on behalf of his wife Marianela Morejon Aran, who claims to own some of the 4-1/2% External Debt Bonds, moved by letter requesting reconsideration of the December Order and an opportunity to file an interpleader answer notwithstanding his having missed the original deadline. The Court granted Aran's request, and directed the Clerk of the Court to accept Aran's interpleader answer (the "Interpleader Answer") and a motion for reconsideration (the "Motion").

Upon review of Aran's Interpleader Answer and Motion, the Court finds Aran's claim to be without merit. Not only has Aran failed to establish ownership, clear title and a perfected claim to the 4-1/2% External Debt Bonds at issue here, even if Aran had done so, he has demonstrated neither a legally-cognizable claim superior to Hausler's nor has he established grounds sufficient for reconsideration of the Court's December Order. See Virgin Atl. Airways, Ltd. v. Nat'l Mediation Bd., 956 F.2d 1245, 1255 (2d Cir. 1992) ("The major grounds justifying reconsideration are an intervening change in controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." (quotation marks omitted)). Therefore, Aran's Motion denied, and his Interpleader Answer is hereby dismissed.

ORDER

For the reasons set forth above, it is hereby

ORDERED that the motion for reconsideration (Docket No. 124) of interpleader defendant Fernando S. Aran

("Aran") is DENIED, and Aran's interpleader answer (Docket No. 124) is DISMISSED; and it is further

ORDERED that the United States Marshal is directed to release to petitioner Jeanette Hausler ("Hausler") the funds in his custody turned over by garnishee-respondent JPMorgan Chase Bank, N.A. and intended for transfer to Hausler.

SO ORDERED.

Dated: New York, New York
26 January 2011

VICTOR MARRERO
U.S.D.J.